

WEST BOUNTIFUL CITY

ORDINANCE #344-12

AN ORDINANCE AMENDING TITLE 16, SUBDIVISIONS, OF THE WEST BOUNTIFUL MUNICIPAL CODE TO UPDATE ENGINEERING STANDARDS, CLARIFY PUBLIC INFRASTRUCTURE REQUIREMENTS, INCORPORATE ADDITIONAL DEVELOPMENT FEES, AND CLARIFY APPEAL AUTHORITY LANGUAGE.

WHEREAS, the West Bountiful City Council recognizes the need for regular review of the land use code and development standards and fees; and

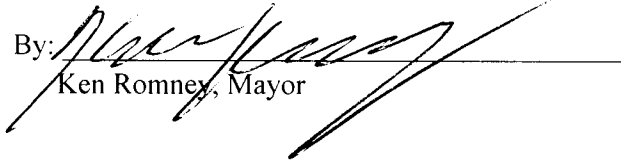
WHEREAS, modifications are necessary to update and clarify existing language, and

WHEREAS, the West Bountiful City Planning Commission held public hearings, after proper notice, in May 2011, October 2011, and March 2012 and received no objection to the proposed changes.

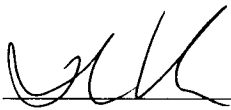
NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF WEST BOUNTIFUL CITY, UTAH, THAT TITLE 16, SUBDIVISIONS, BE AMENDED AS INDICATED IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 15th day of May, 2012.

By: 
Ken Romney, Mayor

Attest:



Heidi Voordeckers, City Recorder



Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	<u>X</u>	_____
Councilmember Bruhn	<u>X</u>	_____
Councilmember McKean	<u>X</u>	_____
Councilmember Preece	<u>X</u>	_____
Councilmember Tovey	<u>X</u>	_____

Title 16 SUBDIVISIONS

Chapters:

16.04 Introductory Provisions

16.08 Administration and Enforcement

16.12 Design Requirements

16.16 Maps or Plans

16.20 Improvements

16.24 Variances and Appeals

16.28 Drainage and Subsurface Water Control

16.32 Flood Damage Prevention

Chapter 16.04 INTRODUCTORY PROVISIONS

Sections:

16.04.010 Purpose.

16.04.020 Definitions.

16.04.010 Purpose.

The purpose of this title, including any rules, regulations, standards and specifications is:

- A. To promote and protect the public health, safety and general welfare;
- B. To regulate future growth and development within the city in accordance with the general plan and to promote the efficient and orderly growth of the city;
- C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements within the city;
- D. To provide for adequate light, air, and privacy; to secure safety from fire, flood and other dangers; and to prevent overcrowding of land and undue congestion of population; and
- E. To provide for harmonious and coordinated development of the city and to assure sites suitable for building purposes and human habitation.

16.04.020 Definitions.

The following words and phrases, as used in this title, shall have the respective meanings set forth hereafter, unless a different meaning clearly appears from the context. Whenever any words or phrases used herein are not defined, but are defined in related sections of the Utah Code or in the zoning ordinances of the city, such definitions are incorporated herein and shall apply as though set forth herein in full.

“Advisory body” means a body of selected members that:

- A. Provides advice and makes recommendations to another person or entity who makes policy for the benefit of the general public;
 - B. Is created by and whose duties are provided by statute or by executive order; and
 - C. Performs its duties only under the supervision of another person or entity as provided by statute.
- (Definition derived from Utah Code Ann. § 68-3-12.)

“Affected entity” means a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, a property owner, a property owner’s association, or the Utah Department of Transportation, if:

- A. The entity’s services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity’s general or long-range plan; or
- C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

“Alley” means a public way which is not intended for general traffic circulation and which generally affords a secondary means of vehicular access to abutting properties.

“Appeal authority” means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision on a land use application or a variance.

“Block” means an area of land within a subdivision entirely bounded by streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision, or designated as a block on any recorded subdivision plat.

“Chief executive officer” means the:

- A. Mayor in municipalities operating under all forms of municipal government except the council-manager form; or
- B. City manager in municipalities operating under the council-manager form of municipal government.

“City engineer” means any civil engineer duly registered in the state of Utah, appointed by the city council to accomplish the objectives of this title.

“Collector street” means a street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic way between large and separated areas or districts and which is the main means of access to the major street system.

“Constitutional taking” means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

- A. Fifth or Fourteenth Amendment of the Constitution of the United States; or

B. Utah Constitution Article I, Section 22.

"Cul-de-sac" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround.

"Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"Exaction" means a condition, often in the form of impact fees, restrictive covenants or land dedication, imposed at the time of obtaining a building or other development permit used to aid the city in providing public services. Conditional requirements should comply with the standards established in Section 17.44.230 of this code.

"General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

"Land use application" means an application required by a municipality's land use ordinance.

"Land use authority" means a person, board, commission, agency, or other body designated by the city council to act upon a land use application.

"Land use ordinance" means a planning, zoning, development, or subdivision ordinance of the city, but does not include the general plan.

"Land use permit" means a permit issued by a land use authority.

"Legislative body" means the city council.

"Lot" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

"Minor street" means a street, existing or proposed, of limited continuity which serves or is intended to serve the needs of a local area.

"Minor arterial street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master plan as a controlled-access highway, major street, parkway or other equivalent term.

"Minor collector street" means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

"Minor" or **"small subdivision"** means any real property, including condominiums, planned-unit developments, or re-subdivisions, improved or unimproved, divided into three or fewer lots, all having frontage on an existing dedicated street, either by establishing new lot lines or changing existing lot lines, for the purpose of sale, lease, transfer of title, division of interest, financing or separate use. The minor

subdivision shall not require the dedication of any streets or public rights-of-way. Any such division made solely for street widening purposes shall not be considered a minor subdivision.

“Official map” means a map drawn by municipal authorities and recorded in a county recorder’s office that:

- A. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- B. Provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- C. Has been adopted as an element of the municipality’s general plan.

“Person” means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

“Planning commission” means the West Bountiful planning commission, unless another planning commission is specifically named.

“Planning director” means the director of or consultant to the city planning commission, or any city official or other person appointed by the city council to accomplish the objectives of this title.

“Plat” means a map or other geographical representation of lands being laid out and prepared in accordance with Utah Code Ann. § 10-9a-603.

“Preliminary design map” or **“concept plan”** means a map to be submitted to the zoning administrator prior to the filing of a preliminary plat to show the general characteristics of the proposed subdivision.

“Preliminary plat” means a plat showing the design of a proposed subdivision and the existing conditions in and around the subdivision. The plat need not be based upon a detailed final survey of the property, except as provided herein. However, the plat shall be graphically accurate to a reasonable tolerance.

“Property” means any tract, lot, parcel or several of the same collected together for purposes of subdividing.

“Public hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public improvement” means street work, utilities and other facilities proposed or required to be installed within the subdivision for the general use of the subdivision lot owners and for local neighborhood or community needs.

“Public meeting” means a meeting that is required to be open to the public under Utah Code Annotated, Title 52, Chapter 4, Open and Public Meetings Act.

“Public works department” means the city’s public works department, acting through its authorized representatives.

“Record of survey map” means a map of a survey of land prepared in accordance with Utah Code Ann. § 17-23-17.

“Sanitary sewer authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

"Special district" means an entity established under the authority of Utah Code Annotated, Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

"Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined by Utah Code Ann. § 54-2-1.

"Standards and specifications" means all the standard specifications and standard detailed drawings prepared by the responsible city departments and the city engineer that have been approved by resolution of the city council.

"Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way as located within the city.

"Subdivider" means any person owning any tract, lot or parcel of land to be subdivided; a group of two or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another person to act on their behalf in planning, negotiating for, in representing or executing the purposes of the subdivision; anyone who causes land to be divided into a subdivision.

"Subdivision" means:

- A. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 1. Subdivision includes:
 - a. the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
 - b. except as provided in subsection A.2., division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 2. Subdivision does not include:
 - a. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
 - b. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - i. no new lot is created; and
 - ii. the adjustment does not result in a violation of applicable zoning ordinances; or
 - c. a recorded document, executed by the owner of record:
 - i. revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

- ii joining a subdivided parcel or property to another parcel or property that has not been subdivided, if the joinder does not violate applicable land use ordinances; or
- d. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - i. no new dwelling lot or housing unit will result from the adjustment; and
 - ii the adjustment will not violate any applicable land use ordinance.
- 3. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this definition as to the un-subdivided parcel of property or subject the un-subdivided parcel to the municipality's subdivision ordinance.

B. For the purpose of this chapter, a subdivision of land shall also specifically include:

- 1. The dedication of a street through or adjacent to a tract of land, regardless of area, which may create a division of lots or parcels constituting a subdivision;
- 2. Re-subdivision of land previously divided or platted into lots, sites or parcels; and
- 3. Condominium projects.

"Subdivision design" means the overall layout of the proposed subdivision, including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and location of easements and rights-of-way for utilities, drainage structures, sewers, the nature and location of public or semi-public facilities, programs for the preservation of natural features, and the installation of public improvements.

"Unincorporated" means the area outside of the incorporated area of a city or town.

"Zoning administrator" means the building inspector or other person designated by the city council to enforce the regulations of this title.

"Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Chapter 16.08 ADMINISTRATION AND ENFORCEMENT

Sections:

16.08.010 Scope of compliance required.

16.08.020 Interpretation.

16.08.030 Administrative body.

16.08.040 Violations--Penalties.

16.08.050 Fees.

16.08.060 File of recorded subdivisions.

16.08.010 Scope of compliance required.

- A. It is unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the city except in compliance with this title. No plat of any subdivision shall be recorded until it has been submitted and approved. A plat shall not be approved if such plat is in conflict with any provision or portion of the general plan, master street plan, zoning ordinance, this title, or any other state law or city ordinance.
- B. Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure until a final plat of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- C. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee or contract purchaser of the land or any other person.
- D. It is unlawful for any person to receive a building permit on a parcel or tract of land in a subdivision until water and sewer utilities and all underground utilities located under the street surface are installed and all streets in the subdivision are rough graded. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable, which improvements shall include paved streets. It is unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

16.08.020 Interpretation.

In their interpretation and application, the provisions of this title shall be considered as minimum requirements for the purposes set forth. When the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. When the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

16.08.030 Administrative body.

The city planning commission shall review and make recommendations to the land use authority concerning applications under this title. The city council shall be the land use authority for applications under this title.

16.08.040 Violations--Penalties.

It shall be a Class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this title including, but not limited to, injunctive relief.

16.08.050 Fees.

- A. Subdivision Application Fee. All persons desiring to develop a subdivision within the city shall file an application with the city recorder and pay a fee for a permit to file the application with the planning commission. This fee shall be in an amount established periodically by resolution of the city council. Payment of the surface and subsurface drainage fees described in Section 16.32.150 shall also be made at this time. If the planning commission determines, after consultation with the city engineer, that additional or extraordinary engineering services will be required in checking the preliminary plat and/or in performing necessary field work, the planning commission may require the subdivider to pay, at the time of the submission of such application or at any time prior to final examination and review of the preliminary plat and subdivision plans, an additional fee sufficient to cover the additional engineering costs anticipated.

No subdivision plans may be considered by the planning commission until a subdivision application fee has been paid.

- B. Plat Filing and Filing Fee. Subdividers shall file with the city recorder at the time of payment of the filing fee, a certified or cashier's check made payable to "The Davis County Recorder" in sufficient amount to cover the recording fees of the final plat. This payment shall be made upon presentation of the preliminary plat for review by the planning commission. No plat shall be recorded unless the subdivider's check is sufficient to cover the cost of recording.
- C. Review and Design Fees. Review and design fees required by the city engineer in the performance of his or her duties shall be determined in an amount necessary to cover the actual cost of checking the final plat including field work. These fees shall be approved by the city council and shall be properly receipted and deposited with the city treasurer, at the time of the submission of the final plat by the subdivider to the planning commission.
- D. Public Improvement Inspection Fee. The subdivider shall remit to the city a public improvement inspection fee equal to three percent (3%) of the improvement bond total.
- E. Water Right Allocation Fee. The subdivider shall remit to the city fees due for an allocation of water rights unless other provisions such as providing adequate water rights have been made under Section 16.28.140—Water Rights.
- F. Time of Fee Payment. The foregoing fees shall be paid at the following times:
1. Subdivision application fee, upon presentation of the preliminary plat for review by the planning commission;
 2. Plat filing fees, upon presentation of the final plat for review by the city council;
 3. Plan checking fee, upon presentation of the final plat for review by the city council;

4. Public Improvement Inspection fee, upon presentation of the final mylar plat for City signatures; and
5. Water Right Allocation fee, if applicable, upon presentation of the final mylar plat for City signatures.

16.08.060 File of recorded subdivisions.

The city shall maintain a filing system of all subdivisions, which includes copies of all maps, data and official subdivision actions.

Chapter 16.12 DESIGN REQUIREMENTS

Sections:

16.12.010 General considerations.

16.12.020 Relations to adjoining street system.

16.12.030 Nonresidential subdivisions.

16.12.040 Street and alley widths, cul-de-sacs, basements and numbers.

16.12.050 Blocks.

16.12.060 Lots.

16.12.010 General considerations.

- A. The general plan shall guide the use and future development of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the general plan, the zoning ordinance, and other applicable ordinances.
- B. Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the zoning ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- C. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with general plan standards, this title, and other applicable ordinances. In order to facilitate the acquisition of land areas required to implement this policy,

the subdivider may be required to dedicate, grant easements over, or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes.

16.12.020 Relations to adjoining street system.

- A. Streets in proposed subdivisions shall be arranged so as to continue existing streets in adjoining areas or so as to properly protect those streets when adjoining lands are not subdivided. All such streets shall be planned and built at the same or greater width, unless the city grants a variance to this requirement. Such street arrangements shall be made so as not to cause unnecessary hardship to owners of adjoining property when they seek to provide for access to those lands.
- B. When, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication and/or fully improved as the city council may determine, to the boundary of such property. Half streets along the boundary of land proposed for subdivision will not be permitted. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.

16.12.030 Nonresidential subdivisions.

- A. The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the city's master plan, any planned community plans, and the zoning ordinances of the city.
- B. Nonresidential subdivisions shall include industrial and/or commercial tracts.
- C. In addition to the principles and standards in this title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed before allowing such subdivisions:
 - 1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;
 - 2. Street rights-of-way and pavements shall be adequate to accommodate the anticipated type and volume of traffic to be generated;
 - 3. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction;
 - 4. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer and storm water drainage;
 - 5. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip or other suitable screening such as berms or walls as required by the planning commission;

6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic; and
7. Subdivisions for proposed commercial development shall take into account and specifically designate all areas for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

16.12.040 Street and alley widths, cul-de-sacs, basements and numbers.

- A. The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the master plan, or if not shown on such plan, shall be:
 1. Minor arterial streets, not less than eighty (80) feet;
 2. Major collector streets, not less than sixty-six (66) feet;
 3. Minor collector streets, not less than sixty (60) feet;
 4. Local service streets or minor streets, not less than fifty (50) feet; and
 5. Alleys, if permitted, not less than twenty (20) feet.
- B. Alleys may be required in the rear of business lots, but will not be allowed in residential blocks except under unusual conditions when such alleys are considered necessary by the planning commission.
- C. Minor terminal streets (cul-de-sacs) shall not be longer than four hundred (400) feet, to the beginning of the turnaround. The length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point at the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.
- D. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten (10) feet in width for water, sewer, drainage, power lines and other utilities shall be provided in the subdivision unless otherwise required by the planning commission.
- E. Proposed streets which are obviously in alignment with other already existing streets shall bear the number of the existing street.

16.12.050 Blocks.

The maximum length of blocks generally shall be one thousand two hundred (1,200) feet and the minimum length of blocks shall be five hundred (500) feet. In blocks over eight hundred (800) feet in length there may be required a dedicated walkway through the block at approximately the center of the block. Such a walkway shall be not less than ten (10) feet in width. The width of blocks generally shall be sufficient to

allow two tiers of lots. Blocks intended for business or industrial use shall be designated specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

16.12.060 Lots.

- A. The lot arrangement, design and shape will be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements set forth herein.

Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage.

- B. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, if any, for the zone in which the subdivision is located, and to the minimum requirements of the county health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning ordinance then in effect for zoned areas.
- C. Each lot shall abut on a street dedicated for public use by the subdivision plat or an existing public street which is more than twenty-six (26) feet wide, except that when such existing street is less than fifty (50) feet wide or less than the width requirement of the master street plan, additional land shall be dedicated to widen the street for that portion of the street upon which the subdivision has frontage. The amount of land to be dedicated shall be determined by the planning commission as necessary and reasonable to satisfy the requirements of one-half of that required width or fifty (50) feet, whichever is greater.
- D. Interior lots having frontage on two streets shall be prohibited except when exceptional circumstances, as determined by the planning commission, would make such lots functionally acceptable. In all instances when such lots are permitted, the subdivider shall record deed restrictions in perpetuity for those lots, limiting access from those lots to one street only so that all lots have access to the same street. Such deed restrictions shall also prohibit construction (except for fencing as allowed under Title 17) within that space adjacent to the street, from which access is prohibited, to a depth of thirty (30) feet.
- E. Corner lots shall have extra width sufficient to account for larger setbacks.
- F. Side lines of lots shall be approximately at right angles, or radial to the street line.
- G. All remnants of lots below minimum size left over after the subdivision of a large tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
- H. When the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat. Such transfer shall be certified to the planning commission by the city recorder.

Sections:

16.16.010 Preliminary conference and concept plan.

16.16.020 Preliminary plat.

16.16.030 Final plat.

16.16.040 Vacating or changing a recorded subdivision plat.

16.16.010 Preliminary conference and concept plan.

- A. Purpose. The purpose of the preliminary conference and concept plan is to provide the subdivider with an opportunity, before filing a preliminary plat, to consult with and receive assistance from the city regarding the regulations and design requirements applicable to his or her proposed subdivision.
- B. Prior to filing a preliminary subdivision plat, each person who proposes to subdivide land in the city shall meet with and submit to the zoning administrator three copies of a preliminary design map or concept plan of the proposed subdivision which shall contain such information as is necessary to properly locate the subdivision.

The plan shall include the following information:

1. The proposed name of the subdivision;
2. A vicinity plan showing significant natural and manmade features on the site and within five hundred (500) feet of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five feet; and north arrow;
3. Proposed lot and street layouts, showing the number, size and design of each lot and the location and width of each street;
4. Locations of any important reservations or easements;
5. The general nature and extent of grading;
6. Descriptions of the type of culinary and irrigation water systems proposed as well as documentation of water rights and secondary water shares;
7. A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage;
8. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
9. The total acreage of the entire tract proposed for subdivision;

10. The ownership of all lands within the proposed subdivision;
 11. The mailing address of each owner of land within the subdivision as well as of those lands contiguous with the subdivision; and
 12. Proposed changes to existing zoning district boundaries or zoning classifications, if any, and/or the necessity of obtaining conditional use permits.
- C. The zoning administrator shall return such plan or map to the subdivider with suggestions within twenty (20) days of receipt. Subdivision information forms shall be furnished to the subdivider at the time of returning the concept plan and map, which form shall be filled out by the subdivider and returned to the planning commission at the time the preliminary plat is submitted.
- D. A conceptual site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a conceptual site plan shall not create any vested rights to development.

16.16.020 Preliminary plat.

- A. Purpose. The purpose of the preliminary plat is to require formal preliminary approval of a subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat.
- B. Each person who proposes to subdivide land in the city shall prepare a preliminary plat of such proposed subdivision and shall submit three (3) black line prints to the planning commission, two (2) full size copies and one (1) 11x17 inch copy. It shall be the responsibility of the planning commission to determine whether the proposed subdivision complies with all regulations and requirements imposed by this title and the zoning ordinance.
- C. Preliminary Plat Preparation and Required Information. The preliminary plat shall be drawn to a scale not smaller than one hundred (100) feet to the inch and shall include the following information:
1. The proposed name of the subdivision;
 2. The location of the subdivision as it forms part of a larger tract or parcel, including a sketch of the future street system of the unplatted portion of the property;
 3. A vicinity map of the proposed subdivision, drawn at a scale of five hundred (500) feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets;
 4. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
 5. A contour map drawn at intervals of at least one foot, showing all topographic features with verification by a qualified engineer or land surveyor;

6. Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor, registered to practice in the state of Utah;
7. The boundary lines of the tract to be subdivided, with all dimensions shown;
8. Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within one hundred (100) feet;
9. The location, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces and lots showing the size of each lot in square footage and properly labeling spaces to be dedicated to the public;
10. The location, principal dimension, and names of all existing or recorded streets, alleys and easements, both within the proposed subdivision and within one hundred (100) feet of the boundary, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; the location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography;
11. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;
12. The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within two hundred (200) feet, and all known wells or springs as well as the location of any one hundred (100) year flood plains as determined by the Federal Emergency Management Agency (FEMA);
13. Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants;
14. Boundary lines of adjacent tracts of unsubdivided land within one hundred (100) feet of the tract proposed for subdivision, showing ownership and property monuments;
15. Verification as to the accuracy of the plat by the owner.
Each sheet of the set shall also contain the name of the project, scale (not less than one hundred (100) feet to the inch, except for the vicinity map), sheet number, and north arrow.

D. In addition to the foregoing plat, the subdivider shall provide the following documents:

1. A storm water plan which includes the following components:
 - a. A proposal for storm water run-off containment generated by a ten (10) year storm event;
 - b. Storm water detention with a 0.20 cfs/acre release rate, or a release rate as determined by the city engineer; and
 - c. A storm water study identifying the potential impacts on the proposed property and off-site downstream properties of a one-hundred (100) year storm event.

2. A plan for providing street lighting in the subdivision;
 3. Copies of any agreements with adjacent property owners relevant to the proposed subdivision;
 4. A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations in accordance with the city's subdivision standards;
 5. A copy of a preliminary title report evidencing satisfactory proof of ownership;
 6. Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements have been reviewed by the utility companies;
 7. A Davis County development and construction permit, if the proposed project is located within one hundred (100) feet of a critical flood area as defined by Davis County;
 8. Copies of proposed protective covenants in all cases when subsurface drains are to be located within the subdivision;
 9. When the subdivider is not an individual corporation or registered partnership, a notarized statement bearing the signatures of all owners of record of the property to be subdivided which designates a single individual who shall act for and on behalf of the group in all appearances before public bodies, agencies or representatives necessary to execute the purpose of subdividing the property; and
 10. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the preliminary plat a preliminary copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas.
 11. The subdivider shall also comply with all other applicable federal, state and local laws and regulations and shall provide evidence of such compliance if requested by the city.
- E. Preliminary Plat Review and Approval by the Planning Commission. Upon receipt of the preliminary plat, the city will distribute copies of the plat to the city engineer and such other governmental departments and agencies for review and comment as appropriate. Within thirty (30) days after the filing of a preliminary plat of a subdivision and any other information required, the planning commission will consider the preliminary plat, or grant approval on conditions stated.

Approval of the preliminary plat by the planning commission shall not constitute final acceptance of the subdivision by the planning commission. The city shall notify the subdivider of the action taken by the planning commission and provide one copy of the preliminary plat and one copy of the planning commission's report signed by the chair of the planning commission. Receipt of this signed copy shall, if the preliminary plat has been approved, be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in this title and with the preparation of the final plat. One copy of the approved preliminary plat shall be retained by the city. If the preliminary plat is not approved, the planning commission will

specify in writing any inadequacy in the application including noncompliance with city regulations, questionable or undesirable design and/or engineering, or the need for any additional information.

- F. Waiver for Minor or Small Subdivisions. Provided the conditions listed in Utah Code Ann. § 10-9a-605, as amended, are met and the planning commission has recommended for approval the record of survey map, a subdivider may present his or her survey map directly to the city council for final approval of said subdivision. If the survey map meets with the council's approval, the requirement of preparing a final plat for the subdivision may be waived. Upon this waiver, the subdivider may sell land by metes and bounds, without the necessity of recording a plat. In the development of the subdivision, however, the subdivider must provide such public infrastructure improvements and easements as required by the city and must comply with all of the requirements and specifications set forth by the planning commission and city council as the basis for granting subdivision approval.

Following approval by the city council and receipt of all necessary approvals and signatures, city council must submit a certificate of written approval along with the metes and bounds description for the subdivision, as outlined in Utah Code Ann. § 10-9a-605, if a plat is not recorded for such subdivision.

16.16.030 Final plat.

- A. Purpose. The purpose of the final plat is to require formal approval by the planning commission and city council before a subdivision plat is recorded in the office of the Davis County recorder. The final plat and all information and procedures relating to it shall in all respects be in compliance with the provisions of this section. The final plat and construction plans shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.
- B. Filing Deadline, Application and Fees. Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the planning commission. This time period may be extended one time for up to twelve (12) months for good cause shown if subdivider petitions the planning commission for an extension prior to the expiration date. The subdivider shall file an application for final plat approval with the city on a form prescribed by the city, together with three copies of the proposed final plat and three copies of the construction drawings. At the same time, the subdivider shall pay to the city an application fee as set periodically by the city council.
- C. Preparation and Required Information. The following provisions set forth the manner in which a final plat must be prepared and the information it must contain.
 - 1. The final plat shall consist of a sheet of approved mylar or comparable material with the outside or trim line dimensions of nineteen (19) inches by thirty (30) inches. The border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on the other sides. The plat shall be drawn so that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.
 - 2. The plat shall show the subdivision name and the general location of the subdivision in bold letters at the top of the sheet.

3. The plat shall contain a north arrow and scale of the drawing and the date.
4. The plat shall be signed by all required and authorized parties with appropriate notarial acknowledgements.
5. An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one foot to twenty thousand (20,000) feet.
6. The plat shall show accurately drawn boundaries and shall note the proper bearings and dimensions of all boundary lines of the subdivision. These lines shall be properly tied to public survey monuments and should be slightly heavier than street and lot lines.
7. The plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves. The plat shall also contain such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest one-hundredth of a foot.
8. All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined. The square footage of each lot shall also be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown so as to be able to readily determine the bearing and length of the boundary lines of every block, lot and parcel. No ditto marks shall be used for lot dimensions.
9. The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated as well as the widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
10. All lots and blocks are to be numbered consecutively under a definite system approved by the planning commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
11. All streets, including named streets, within the subdivision shall be numbered in accordance with and in conformity with the adopted street numbering system adopted by the city. Each lot shall show the assigned street addresses, and shall be according to the standard addressing methods approved by the city. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.

12. The side lines of all easements shall be shown by fine dashed lines. The plat shall also show the width of all easements and ties thereto sufficient to definitely locate the same with respect to the subdivision. All easements shall be clearly labeled and identified.
13. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the city engineer. The following required monuments shall be shown on the final plat:
 - a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and
 - b. All right-of-way monuments at angle points and intersections as approved by the city engineer.
14. The final plat shall contain the name of the surveyor, together with the date of the survey, the scale of the map and notations as to the number of sheets comprising the plat. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat and may be combined when appropriate:
 - a. A registered land surveyor's certificate of survey;
 - b. An owner's dedication certificate;
 - c. A notary public's acknowledgement for each signature on the plat;
 - d. That all new subdivision plats submitted for approval in West Bountiful City, tie by metes and bounds description in both the written boundary description and the graphic (drawn) portion of the plat to a section or one-quarter section monument of the Salt Lake Base and Meridian;
 - e. Signature blocks for the planning commission, city engineer, city attorney and city council (which shall consist of a signature line for the mayor and an attestation by the city recorder). A block for the Davis County recorder shall be provided in the lower right corner of the final plat; and
 - f. Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, or by the city attorney.
15. Before recording of the plat, the subdivider shall submit a current title report to be reviewed by the city attorney. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.
16. The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the city's subdivision standards and specifications, a copy of which shall be available for reference at the city offices.

17. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider shall submit with the final plat a final copy of the proposed articles of incorporation, homeowner's agreements and bylaws of the owner(s) or organization empowered to own, maintain and pay taxes on such lands and common areas.
- D. Construction Plans--Preparation and Required Information. The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth under public improvements in this title.
- E. Review by the City Engineer. The city engineer will review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the city and the state of Utah. The public works department will be allowed the right to review the final plat and construction plans to check for accuracy and appropriate connectivity to current city infrastructure. The public works department shall provide written comments to the city engineer and subdivider when deemed necessary and appropriate. The city engineer will complete review of the plat within thirty (30) days after the plat is submitted for review to the engineer. If the final plat complies with the improvement standards and all necessary requirements of this title, the city engineer will sign the plat in the appropriate signature block and forward it to the planning commission. The engineer will not sign the plat unless the survey description is correct and all easements are correctly described and located. If the final plat or the construction plans do not comply with all necessary requirements, the city engineer shall return the plans and plat to the subdivider with comment.
- F. Planning Commission Action. Upon receipt of the comments by the city engineer, the planning commission shall review the plat to determine whether it conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the planning commission's review, the zoning administrator will check the final plat for completeness and compliance with the requirements of this title. If the submitted plat is not acceptable, the planning commission shall notify the subdivider and specify the respects in which it is deficient. If the planning commission determines that the final plat is in conformity with all requirements and the ordinances of the city, it shall recommend the approval of the plat.
- G. Review by the City Attorney. The city attorney shall review the final plat, the signed subdivision improvements agreement, the current title report and the security for insuring completion of the improvements to verify compliance with the city's dedication and bonding requirements. The city attorney may also review public easements, protective covenants and other documents when applicable. Upon approval of the items specified in this section, the city attorney will sign the plat in the appropriate signature block.
- H. Review by the City Council. Within a reasonable time following the approval of the final plat by the planning commission, the final plat shall be submitted to the city council for its review and consideration. The city council shall not be bound by the recommendations of the city staff or the planning commission and may set its own conditions and requirements consistent with this title. The city council may approve the final plat if it determines that the plat is in conformity with the requirements of this title, other applicable ordinances, and any reasonable conditions either recommended by the city's staff and/or planning commission or initiated by the city council; that all fees have been paid as required; and the council is satisfied with the plat as presented. If the city council determines that the final plat is not in conformity with this title or other applicable

ordinances, or any reasonable conditions imposed, it may disapprove the final plat. The council shall specify the reasons for such disapproval in writing to the subdivider.

- I. Amended Plat. Within one year after the city council has disapproved any plat, the subdivider may file with the planning commission a plat altered to meet the requirements of the city council. Upon approval and recommendation of the planning commission, this amended plat shall be submitted to the city council for final approval.
- J. Approval. No final plat shall have any force or effect unless the same has been approved by the city council and has been signed by the mayor and city recorder.
- K. Security for Public Improvements.
 - 1. Prior to a final plat's approval by the city council and its recordation with the county recorder, the subdivider shall enter into a bond agreement acceptable to the city as security to insure completion of all improvements required in the subdivision. The bond agreement shall be in a form approved by the city council and may contain specific provisions approved by the city attorney. The agreement shall include but not be limited to the following requirements:
 - a. The subdivider agrees to complete all improvements within a period of time not to exceed eighteen (18) months from the date the agreement is executed.
 - b. The improvements will be completed to the satisfaction of the city and in accordance with the city's subdivision standards and specifications (as established by the city engineer and adopted by the city council).
 - c. The bond will be equal to one hundred twenty (120) percent of the city engineer's estimated cost of the improvements, including landscaping costs.
 - d. The city shall have immediate access to the bond proceeds.
 - e. The bond proceeds may be reduced at intervals determined by the city upon the request of the subdivider as improvements are installed. The amount of all such reductions shall be determined by the city. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with the city's standards and specifications. All reductions shall be by written authorization of the city engineer and no bond shall be reduced below ten (10) percent of its face value plus the estimated cost of slurry seal either before or after city's final acceptance. After the two-year warranty period, the remaining proceeds plus interest shall be refunded to the subdivider. The amount of this interest will be calculated at a rate equal to that received on the city's other investments in the State Treasurer's Fund and shall be paid on the declining balance of the bond.
 - f. If the bond proceeds are inadequate to pay the cost of completing the improvements according to the city's standards and specifications for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed; or, with city council approval, a new satisfactory

bond has been executed and delivered to the city; or other satisfactory arrangements have been made to insure completion of the remaining improvements.

- g. The city's costs of administration and cost of obtaining the bond proceeds, including attorney's fees and court costs, shall be deducted from any bond proceeds.
- h. Upon receipt of the bond proceeds, after expiration of the time period for completion of the improvements, the cost of completion shall include reimbursement to the city for the costs of administration to complete the improvements.
- i. The subdivider agrees to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements are complete and accepts the improvements at the end of the two-year warranty period.

2. The bond agreement shall be one of the following forms as prescribed by the City:

- a. A cash bond agreement accompanied by a cashier's check payable only to the City; or
- b. An escrow agreement and account with a federally insured bank for one hundred ten percent (110%) of the city engineer's estimated cost of the improvements, together with a ten (10) percent cash bond agreement held only by the City.

- L. Payment of Fees. All required and unpaid fees shall be paid by the subdivider to the city by cashier's check prior to approval of the final plat by the city council.
- M. Recording of Final Plat. After filing the bond agreement described above, and signing of the plat by the mayor and city recorder, the final plat shall be presented by the city recorder to the Davis County recorder for recordation. The city recorder shall deliver forthwith the recorder's receipt and any change due to the subdivider.
- N. Warranty Period. The warranty period referred to above shall commence upon the date that all improvements required by the city to be installed within the subdivision have been completed to the satisfaction of the city and a final on-site review thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of two years thereafter. If any deficiencies are found by the city during the warranty period in materials or workmanship, the subdivider shall promptly resolve such defects or deficiencies and request the city engineer to review once more the improvements. At the end of the two-year warranty period the subdivider shall request the city engineer to make a final warranty period on-site review of all improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall notify the city administrator who shall refer the matter to the city council. The city council shall then review the matter and upon approval of the same shall release the balance of the security posted by the subdivider under the bond agreement.
- O. Expiration of Final Approval. If the final plat is not recorded within six months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city

council for up to an additional six-month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension. (Ord. 264-00 (part);)

16.16.040 Vacating or changing a recorded subdivision plat.

A subdivision plat shall only be vacated or changed in accordance with state law as set forth in Section 10-9a-608, Utah Code Annotated, as amended.)

Chapter 16.20 IMPROVEMENTS

Sections:

16.20.010 Parks, school sites and other public spaces.

16.20.020 Public improvements.

16.20.010 Parks, school sites and other public spaces.

- A. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plat in order that it may be determined by the planning commission when and in what manner such areas will be dedicated to, or acquired by, the appropriate agency.
- B. The planning commission may, in the public interest, require that the subdivider set aside land for parks, playgrounds, schools, churches and other public structures, within the boundaries of a subdivision.
 1. Subdividers may not be required to hold land set aside for churches, schools, parks exceeding ten thousand (10,000) square feet, and other public structures for more than one year without payment being made for the same on the basis of land and improvement costs.
 2. Parks and neighborhood playgrounds of less than ten thousand (10,000) square feet, when required, shall be maintained by the neighborhood homeowners' association (HOA).
 3. In subdivisions of less than forty (40) lots, the subdivider may not be required to dedicate more than one twenty-fifth as much land as there is in lots, not streets, for parks or playgrounds without payment.
 4. For subdivisions greater than forty (40) lots, each group of forty (40) lots, or fraction thereof, may require additional dedicated park and playground area at the same ratio as for less than forty (40) lots.

16.20.020 Public improvements.

- A. Design Standards. The city engineer shall prepare standards and specifications for design, construction and on-site review of all public improvements including streets, curbs, gutters, sidewalks, water distribution systems, sewage disposal facilities and storm drainage and flood control facilities. Standards for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over such hydrants.

All construction standards and specifications shall be approved by resolution of the city council before becoming effective. All public improvements shall be installed in accordance with the city's construction standards and specifications, the requirements of the city engineer and public works department, the subdivision improvements agreement between the subdivider and the city, and all other applicable city ordinances and regulations.

The approval of all subdivisions, including minor or small subdivisions, will require the installation of all public improvements including asphalt, curb and gutter, sidewalk, street lights and utilities which are required to complete the standard street design included in the City's design standards regardless of whether the required improvements are on a new or existing street. The city council may waive, modify or delay the construction of all or part of the required public improvements upon making specific findings supporting its decision consistent with the following standards.

1. Curb, gutter and sidewalk improvements in the R-1-10, R-1-22, and A-1 zoning district are eligible for deferred construction under a deferred improvements agreement when the city council finds compelling reasons why the city's interests are better served by deferring the construction.
 2. The city council may waive, modify, or defer the requirement to pipe an open ditch that has been previously designated by the city to remain open upon a finding that the waiver, modification, or deferral is in the public interest. All other open ditches in the subdivision are required to be piped according to the size requirements of the city drainage master plan as a condition of the subdivision approval.
 3. The construction of any public improvements deferred under this section shall be subject to a deferred improvements agreement that allows the City to determine when, if ever, such construction will be required.
- B. Construction Plans. Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the design standards of the city. These plans and drawings shall address all proposed street utilities and shall be submitted to the city engineer for review with the final plan. Final approval of the project shall not be granted until these plans have been reviewed and recommended for approval by the city engineer. No construction shall be started until these plans have received final approval of the city and the final plat has been recorded.
- C. Standards for Construction Plans. The city has established standards with respect to construction plans for the purpose of achieving consistency in drawings and uniformity in plan appearance, clarity, size and reproduction. These standards and specifications shall serve as minimum requirements for all aspects of proposed developments and subdivisions.

Three copies of initial construction plans shall be submitted for all proposed subdivisions and developments. Of these copies, one set shall be used by the city engineer and the public works department, one set shall be retained by the city, and one set shall be returned to the subdivider for corrections and revisions consistent with the recommendations of the city and the city

engineer. After these corrections and revisions have been made by the subdivider, three revised sets shall be submitted to the city for final review by the city engineer.

All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. All drawings shall be twenty-four (24) inches by thirty-six (36) inches (trim line) or twenty-two (22) inches by thirty-four (34) inches (trim line) with a one-half inch border on the top, bottom and right side of the plan and a one and one-half inch border on the left side.

The plans shall include the following, and separate sheets may be used as needed to detail the required information.

1. A north arrow;
 2. Stationing and elevations for profiles;
 3. U.S.G.S. datum for all elevations;
 4. A title block located in the lower right corner of the sheet which shall include:
 - a. Project title (subdivision, etc.),
 - b. Specific type and location of work, and
 - c. Name of engineer or firm preparing drawings with license number and a Utah Engineers stamp imprint;
 5. Scale information at 1" = 20' or 1" = 40' horizontally; and 1" = 2' or 1" = 4' vertically;
 6. For curb and gutter plans, plan view and profiles for each side of the street including curve data for top of curb elevations but excluding street center line profile data;
 7. Size and location of all culinary water lateral mains, meters, valves and hydrants which sizes and locations shall be subject to the specifications of the city engineer;
 8. Data regarding types of pipe proposed;
 9. Size and location of irrigation lateral mains, valves, fittings and other features of the irrigation system; and
 10. Size and location of drains and subdrains to the sewer and storm drain systems as well as for their manhole clean-outs.
- D. Preconstruction Meetings. Prior to excavating or starting construction, the subdivider shall arrange a preconstruction meeting with the city engineer and the public works department. The subdivider shall bring to the meeting all contractors responsible for building the improvements associated with the project. The purpose of this meeting shall be to:
1. Verify the recordation of the plat and the final approval of all plans;

2. Determine the construction schedule;
 3. Determine the names, addresses and phone numbers of all persons involved in the construction of the project, including contractors and inspectors;
 4. Review all plans and any city imposed special conditions or requirements;
 5. Review any bond reduction requests;
 6. Coordinate on-site review and testing times; and
 7. Discuss the city standards and specifications.
- E. On-Site Construction Review. All construction requiring the installation of public improvements in a subdivision shall be subject to on-site review by the city engineer or the public works department under direction from the city engineer.

Daily on-site review shall be required on the following types of work:

1. Placement of street surfacing;
2. Placement of concrete for curbs, gutters, sidewalks and other structures; and
3. Placement and testing of drainage and water pipes, valves, hydrants.

Periodic on-site reviews shall be required on the following:

1. Street grading and placement of gravel base;
 2. Excavations for curbs, gutters and sidewalks; and
 3. Excavations for all structures.
- F. Requests for On-Site Review. Requests for on-site review shall be made to the city engineer by the person responsible for project construction. Such requests shall be made at least one working day prior to the commencement of construction.
- G. Correcting Defective Work. Periodic on-site reviews shall be made by the city engineer, or public works department under direction of the city engineer, at various phases of construction. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of thirty (30) days from the date of the on-site review wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.

Chapter 16.24 VARIANCES AND APPEALS

Sections:

16.24.010 Appeal Authority.

16.24.020 Variances.

16.24.030 Appeals.

16.24.010 Appeal Authority.

- A. For purposes of requests for a variance under Section 16.24.020, appeals under Section 16.24.030 or appeals from a fee charged under this title in accordance with Utah Code Ann. § 10-9a-510, as amended, the appeal authority shall be the city council. Notwithstanding the foregoing, in appeals under Section 16.24.030 or from a fee charged under this title, the city council will act as appeal authority concerning any issue on which the city council has not acted as land use authority. To the extent of any issue on which the city council acted as land use authority, any appeal shall be made to district court in the manner provided by law.
- B. The appeal authority shall act in a quasi-judicial manner, shall serve as the final arbiter of issues involving the interpretation or application of land use ordinances under this title, and shall respect the due process rights of each of the participants in the appeal or request for variance. Except as otherwise specifically provided in this chapter, the procedures for appeal, including time for appeal, burden of proof, and standard of review, shall be those set forth in Chapter 17.08.

16.24.020 Variances.

- A. Any subdivider desiring a waiver or modification of the requirements of this title as applied to the property to be subdivided may apply to the city council, acting as the appeal authority, for a variance from the terms of this title.
- B. The city council may grant a variance only if:
 - 1. Literal enforcement of the provisions of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the city's land use ordinances;
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - 5. The spirit of the land use ordinance is observed and substantial justice is done.
- C. In determining whether or not enforcement of the provisions of this title would cause unreasonable hardship under Subsection B(1), the city council may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection B(1), the city council may not find an unreasonable hardship if the hardship is self-imposed or economic.
- E. In determining whether or not there are special circumstances attached to the property under Subsection B(2), the city council may find that special circumstances exist only if the special circumstances:
1. Relate to the hardship complained of; and
 2. Deprive the property of privileges granted to other properties in the same zone.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The city council may not grant a use variance.
- I. In granting a variance, the city council may impose additional requirements on the applicant that will:
1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.
- J. The city council shall issue a written decision, including findings, with respect to the request for variance. Such written decision will be final when issued, and may thereafter be appealed to district court in accordance with applicable law.

16.24.030 Appeals.

Any person aggrieved by any decision, determination, or requirement of the planning commission, zoning administrator, or city engineer, under this title, or by a fee charged under this title in accordance with Utah Code Ann. § 10-9a-510, as amended, may appeal such decision, determination, requirement or fee to the city council under this chapter in accordance with the appeal procedures set forth in Chapter 17.08. Any person aggrieved by any decision, determination, or requirement of the city council under this title may appeal such decision to district court in the manner provided by law.

Chapter 16.28 DRAINAGE AND SUBSURFACE WATER CONTROL

Sections:

16.28.010 Purpose.

16.28.020 Applicability.

16.28.030 Interpretation.

16.28.040 Conflicts.

16.28.050 Definitions.

16.28.060 Hydrology report.

16.28.070 Drainage plan.

16.28.080 Off-site improvements.

16.28.090 Drainage onto other properties.

16.28.100 Drainage of impervious surfaces.

16.28.110 Catch basins.

16.28.120 Existing natural drainage.

16.28.130 Drainage fee.

16.28.140 Water rights.

16.28.150 Development restrictions.

16.28.160 Appeals.

16.28.170 Violations--Penalties.

16.28.010 Purpose.

The purpose of this chapter is to provide for the positive and adequate abatement and handling of all surface and subsurface water, including storm runoff from all new subdivisions and developments in the city, and to impose certain building restrictions to control problems due to subsurface water conditions.

16.28.020 Applicability.

The provisions of this chapter shall apply to all subdivisions and developments to be constructed within the city.

16.28.030 Interpretation.

In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

16.28.040 Conflicts.

This chapter shall not nullify the more restrictive provisions of any private covenants, agreements or other ordinances or laws, but shall prevail over such provisions which are less restrictive.

16.28.050 Definitions.

For the purposes of this chapter, the following words shall have the meanings herein prescribed:

"Catch basin" means an opening into a storm drain system for the entrance of surface storm runoff.

"Civil engineer" means an engineer registered under the provisions of the state of Utah.

"Developer" means any person, firm or corporation engaged in creating a development as defined herein.

"Development" means any commercial, industrial, residential, public or recreational project and any single lot residential development or any commercial, industrial, residential, public or recreational redevelopment or remodeling which will cause changes in the existing drainage pattern or system.

"Discharge of drainage" means the emptying of collected waters from a drainage system into a manmade drainage way or natural channel.

"Drainage" means the interception and removal of surface and subsurface water by artificial or natural means. It also refers to the water collected by such interception and removal.

"Drainage facilities" means all pipes, catch basins, pumps, manmade drainage ways, natural channels, etc., designed to collect and carry drainage.

"Drainage fee" means a fee established periodically by resolution of the city council.

"Drainage plan" means a plan showing all drainage facilities, both on and off-site, designed to carry all surface and subsurface waters from a subdivision or development.

"Drainage way" means any natural channel, stream, manmade channel, canal or other such structure designed to carry water flows.

"Engineer/geologist" means a person with an accredited degree in geology or geological engineering, with at least five years experience in the field or geological studies relating to hydrological problems.

"Erosive" refers directly to the point in time when the stream bed of a natural channel begins to be scoured, worn or deteriorated due to the water flow in said channel.

"Estuary," for purposes of this chapter, is defined as Mill Creek, Stone Creek, Barton Creek and such other natural drainage ways or manmade canals and ditches as may be approved periodically by the designated city official.

"Excavation" means any disruption of the soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes, whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located in addition to a conditional use permit if such is required.

"Existing natural grade" means the actual elevation of the ground surface before excavation or filling takes place.

"Finished grade" means the actual elevation of the ground surface after excavation or filling has taken place.

"Flooding" means an unusual abundance of water which overflows land not normally covered with water.

"Geologist" means a person with an accredited degree in the field of geology and at least five years experience with specific application in hydrological studies.

"Geologist/hydrologist" means a person with an accredited degree in geology or hydrology with at least five years experience in the field of geohydrology.

"Grading plan" means a plan outlining the excavation or fill proposed for the subdivision or development, including a description of the conditions resulting from such excavation or fill.

"Groundwater" means water beneath the surface of the ground which is in the saturated zone below the water table.

"Gutter" means a structure designed as part of a street to convey water drainage.

"Hydrology" means the study of the processes involved in the transfer of moisture from one body of water to the land and back to another body of water.

"Hydrology report" means an analysis of the hydrologic processes involved on a parcel of ground in relation to a subdivision or development.

"Lot" means a parcel or portion of land established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"Manmade drainage way" means any open or enclosed channel or structure constructed by man for the purpose of conveying drainage water.

"Natural channels" means drainage ways which have been created by nature.

"Off-site improvements" means any drainage facilities which are necessary for the conveyance of the drainage from the subdivision or development to a major drainage way and which occur on land other than that of the proposed site.

"One hundred (100) year storm" means a statistical storm event which has the chance of occurring once in one hundred (100) years, or one percent chance of happening in any given year.

"Perpetual conveyance of irrigation water" means the continued flow of irrigation water to the respective users of such water.

"Standard project flood" means the flood which could occur from the most severe combination of meteorological conditions characteristic of the area, excluding extremely rare combinations.

"Storm drain system" means the system of drainage facilities designed to carry storm water runoff.

"Storm runoff" means storm water which drains off surface due to flow exceeding infiltration capacity.

"Subsurface drain" means an underground conduit designed to permit infiltration for the purpose of collecting subsurface water.

"Subsurface water" means water beneath the surface of the ground.

"Surface water" means water which rests on the surface of the ground or is not covered by any earth or rock: for example, rivers, ponds and lakes.

"Sump condition" means water restricted to an inlet area because the inlet is located at a low point.

"Upward leakage" means vertical seepage in an upward direction through an aquifer caused by hydrostatic pressure.

"Water rights" means legal rights to use of water held by individuals and corporations referring directly to parcels of land on which such water is used.

"Water table" means the level below which the ground is saturated with water.

"Wells" means any pipe, excavation or access below the surface of the ground having been used or currently being used as a source of water

16.28.060 Hydrology report.

A hydrology report shall be prepared at the expense of the subdivider or developer by a qualified person or firm in the field of hydrological studies (i.e., civil engineer, engineer/geologist, geologist, hydrologist) in which a minimum of the following shall be done:

- A. Flooding. Analyze the flood or inundation potential of the proposed subdivision or development site. This analysis shall include:

- 1. A one hundred (100) year storm frequency determination based on rain on a saturated soil mantle,

2. A standard analysis of any meandering streams which are either on, near, or pass through the proposed site,
3. A history of prior flooding,
4. An evaluation of the effects of short duration, high intensity rainstorms and rapid snow melt on the proposed subdivision or development;

B. Other Surface Hydrology.

1. Define the capability of existing natural channels and other manmade drainage ways to accommodate the estimated increase in storm drainage flow due to the proposed subdivision or development;
2. If a natural stream channel is to be used for the discharge of drainage waters, define at what point the water flow and velocity is erosive. If the stream channel or banks will erode, specify what measures will be taken to minimize such erosion;
3. Make an estimate or measurement of minimum and maximum flows in manmade and natural drainage ways; and
4. Describe all existing drainage ways, both natural and manmade, including any irrigation, well discharge and subsurface drains which presently are on, near or pass through the proposed site and evaluate how such existing drainage flow patterns will be maintained by the proposed subdivision or development.

C. Subsurface Hydrology.

1. Identify existing or potential subsurface water problems (i.e., flooded basements, ponding, etc.) due to high water table, areas of upward leakage, existing subsurface drains (including locations of any known old, wooded subsurface drains common in the city) and describe how the proposed drainage system will help solve the problems; and
2. Identify any existing or potential wells on the site and describe the steps to be taken to protect such wells from pollution.

D. Geology.

1. Investigate exposed and subsurface earth materials, including elements, geologic composition, limitations and geologic hazards;
2. Specify existing geologic and soil conditions, including physical properties and engineering behavior (i.e., shrink-swell capacity), of unconsolidated geologic formations; and
3. Analyze the impact of any geologic or hydrologic hazards upon present or potential uses.

16.28.070 Drainage plan.

- A. Drainage Delivery. All subdividers and developers shall provide a plan of drainage facilities designed to carry all surface and subsurface waters, which are or could become either a hazard or a public nuisance, to the nearest practicable drainage way as approved by the public works director or city engineer as an acceptable place to deposit such waters.
- B. Design Standards. The plan must specify for approval by the public works director or city engineer all facilities design, pipe sizes, materials and appurtenances.
- C. Time of Submission. The drainage plan shall be submitted along with the preliminary subdivision plat or preliminary site plan for development. This plan will include a computation of the drainage fee as specified in this chapter.
- D. Approval. Final approval of the drainage plan will be given at the time of preliminary subdivision or development approval. No subdivision plat or development plan will receive final approval without acceptance of the drainage plan.
- E. Expiration of Approval. Final drainage approval will expire and become null and void if work as authorized does not commence within one hundred eighty (180) days of such approval. If the subdivider or developer holding such approval presents satisfactory evidence that unusual circumstances have delayed the beginning of such work, extension of time may be granted by the authorized city official if written application for such an extension is made before the expiration date.

16.28.080 Off-site improvements.

It is the responsibility of the subdivider or developer to make all off-site improvements necessary to convey any drainage from the subdivision or development to the accepted and designated drainage way as specified in Section 16.28.070(A) of this chapter.

- A. Costs. All costs for such improvements shall be paid by the subdivider or developer.
- B. Provision for Further Development. Should it be determined by the designated city official that further development may necessitate larger than normal size drainage facilities, the subdivider or developer shall be required to make such improvements; provided, however, that the cost for such additional improvements will be reimbursed as funds are available through a storm drain impact fee account.
- C. Storm Drain Impact Fee Account. A fund to be known as the storm drain impact fee account shall be established to provide for the upgrading of the city's drainage system. The fund shall consist of the fees collected under Section 16.28.130 of this chapter.

16.28.090 Drainage onto other properties.

Waters shall not be drained onto other properties not in the same ownership without written permission from the owner of the adjacent property. When a ditch or drainage channel under private ownership is to be used, written permission from either the president of the ditch company when an incorporated ownership, or from all property owners using the ditch must be obtained.

16.28.100 Drainage of impervious surfaces.

Whenever any surface of a lot, plot, parcel or portion thereof is excavated, filled, graded or hard-surfaced with impervious material (i.e., streets, driveways, sidewalks, parking lots, etc.), adequate surface drainage shall be provided. Such drainage will connect directly into the overall site drainage system for the subdivision or development as approved by the designated city official.

16.28.110 Catch basins.

Catch basins shall be placed in the gutter at all sump locations and elsewhere at the direction of the city council. In no case shall surface water be allowed to be carried in a gutter for more than eight hundred (800) feet without the installation of a catch basin or other approved device or as required by the hydrology report for depositing the surface water into an acceptable storm drain system

16.28.120 Existing natural drainage.

Existing natural surface and subsurface drainage of the ground surrounding the proposed lot or plot shall not be impeded by any off or on-site construction and improvements.

16.28.130 Drainage Impact Fee.

- A. Intent. For the purpose of upgrading the storm drainage system, a storm drainage impact fee shall be assessed for all new subdivisions and developments in the city. This fee shall be paid at the time of final drainage plan approval and prior to the issuance of any building permits. Approval shall not be given if such fee is not paid.
- B. Determination of Fee. The subdivider or developer, or anyone seeking a building permit, shall pay a fee which shall be determined by a formula that shall be established periodically by resolution of the city council.

16.28.140 Water rights.

For the protection of future water rights of the city and to alleviate the necessity of the perpetual conveyance of irrigation water in favor of long-term provision for drainage facilities, any water rights adequate to meet the proposed demand, surface and subsurface water rights and necessary use easements for access will, at the city's option, be transferred to the city at the time of subdivision or development. In exchange, the city will furnish culinary water to residences or other buildings used for human occupancy within the subdivision or development at the city's standard prevailing rate, not to include improvements for such connection. Such improvements will be provided by the subdivider or developer, both on and off-site. If at the time of development, the city determines that there are excess city held water rights available and the developer has not provided adequate water rights, the city, upon written application, may grant a water right allocation equal to 0.45 acre-feet per year per residential dwelling equivalent for domestic use for a fee which shall be established periodically by resolution of the city council.

16.28.150 Development restrictions.

Upon review of the hydrology report and drainage plan, additional restrictions may be placed on the construction of all residential dwellings, buildings, or other edifices within the subdivision or development to include, but not be limited to the following:

- A. No residences, buildings or structures shall be constructed below existing natural grade;

- B. Foundations for any residence, building or structure shall be placed on existing natural grade;
- C. The site shall be filled to finish grade in accordance with a previously submitted and approved grading plan; and/or
- D. All finished floor elevations on buildings constructed shall be at least twelve (12) inches above the curb, or street, or proposed street, level adjacent to the building except when otherwise approved by the city engineer and city council. Below floor or crawl space area shall not exceed 48 inches in height as measured from the bottom of the supporting floor member to the top of the finished ground surface. Below floor or crawl space area shall not exceed 60 inches in height as measured from the bottom of the supporting floor structure to the top of a finish floor where the finish floor is one foot or above the curb or street elevation. Below floor or crawl space area which is located below the street or curb elevation is not considered to be finished floor area and is not approved for domestic use including storage.
- E. No residential development shall be allowed that places streets below elevation 4216.00 or finish floors below 4218.00.
- F. No commercial or industrial development shall be allowed that places the streets below elevation 4216.00 or the finish floor below elevation 4217.00.

16.28.160 Appeals.

- A. Any person, firm or corporation aggrieved by the decision of any authorized official regarding this chapter may appeal such determination to the planning commission by filing a written notice of appeal with the City Recorder within ten (10) calendar days following the authorized official decision.
- B. Any person, firm or corporation aggrieved by any decision of the planning commission regarding this chapter may appeal to the city council by filing a written appeal with the city recorder within ten (10) calendar days of the planning commission's decision. Such appeal will be placed on the city council's meeting agenda, consistent with requirements of the open meeting law.

16.28.170 Violations--Penalties.

- A. Any person, firm or corporation who shall create, or cause to be created, a development as defined herein, or construct a building within the limits of the city, without complying with the provisions of this chapter, or who shall violate any provisions hereof shall be deemed guilty of a Class B misdemeanor. Each day in which any such violation shall continue, or be permitted, shall be deemed a separate offense.
- B. The city shall authorize the necessary public officials and/or officers to investigate and make reports to the planning commission of any such violations. The planning commission, if it finds that such a violation does exist, may recommend that legal action be taken by the city council.

Chapter 16.32 FLOOD DAMAGE PREVENTION

Sections:

16.32.010 Statement of purpose.

16.32.020 Methods of reducing flood losses.

16.32.030 Definitions.

16.32.040 Lands to which this chapter applies.

16.32.050 Basis for establishing the areas of special flood hazard.

16.32.060 Compliance.

16.32.070 Abrogation and greater restrictions.

16.32.080 Interpretation.

16.32.090 Warning and disclaimer of liability.

16.32.100 Establishment of development permit.

16.32.110 Designation of the director of public works.

16.32.120 Duties and responsibilities of the director of public works.

16.32.130 Variance procedure.

16.32.140 General standards for flood hazard reduction.

16.32.150 Specific standards for flood hazard reduction.

16.32.160 Floodways.

16.32.010 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;

- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

16.32.020 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

16.32.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the public works director's interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Emergency Management Agency that included flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - 1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

16.32.040 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of West Bountiful.

16.32.050 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the West Bountiful," dated October 6, 1987, with an accompanying Flood Insurance Rate Map (FIRM) is adopted by reference and declared to be a part of this chapter. Updates of these studies and map, when duly issued by FEMA, are also adopted. The Flood Insurance Study and FIRM shall be on file at the city offices.

16.32.060 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

16.32.070 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, when this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

16.32.080 Interpretation.

In the interpretation and application of this chapter all provisions shall be:

- A. Considered as minimum requirements;

- B. Liberally construed in favor of the city council; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

16.32.090 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of West Bountiful City, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

16.32.100 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by the materials identified in Section 16.32.050. Application for a development permit shall be made on forms furnished by the director of public works and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. The following specific information shall be required:

- A. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevations in relation to mean sea level to which any structure has been flood proofed;
- C. A certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 16.32.150(B); and
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

16.32.110 Designation of the director of public works.

The director of public works is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

16.32.120 Duties and responsibilities of the director of public works.

With respect to this chapter, the duties of the director of public works shall include, but not be limited to the following.

- A. Permit Review. The director of public works shall:
 - 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required; and
3. Review all development permits to determine if the proposed development is located in the floodway. If the development is located in the floodway, the public works director shall assure that the encroachment provisions of Section 16.32.160(A) are met.

B. Review of Other Base Flood Data.

When base flood elevation data has not been provided as part of the materials identified in Section 16.32.050, the director of public works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring the new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 16.32.150.

C. Acquisition and Maintenance of Information. The director of public works shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
2. For all new or substantially improved flood-proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed,
 - b. Maintain the flood-proofing certifications required in Section 16.32.100(C); and
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses. The director of public works shall:

1. Notify adjacent communities, the Denver, Colorado FEMA offices, and the Davis County Flood Control prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
2. Require that the altered or relocated portion of the watercourse be maintained so that the flood-carrying capacity of the watercourse is not diminished.

E. Interpretation of FIRM Boundaries.

The public works director shall interpret, when needed, the exact location of the boundaries of the areas of special flood hazards (for example, when there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.32.130.

16.32.130 Variance procedure.

A. Appeal Authority.

1. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the city council or any taxpayer, may appeal such decisions to the District Court, as provided in Utah law.
4. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and state law, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, when applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

6. The city shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided items listed in subsection (A)(4)(a) through (k) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(4) of this section or conflict with existing local laws or ordinances; and
 - d. A specific determination that each of the requirements for a variance under state law has been met.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

16.32.140 General standards for flood hazard reduction.

In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and must be capable of resisting hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

Specific requirements may include:

- a. Providing over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side.
- b. Providing frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
- c. Ensuring all components of the anchoring system are capable of carrying a force of four thousand eight hundred (4,800) pounds; and
- d. Ensuring any additions to the manufactured home is similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five acres (whichever is less).

16.32.150 Specific standards for flood hazard reduction.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in the materials identified in Section 16.32.050, or Section 16.32.120(B), the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
2. Within any AO and AH Zone on the FIRM, all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade. This floor shall be elevated at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified).
3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood-proofed so that below the base flood elevation the structure is water tight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the public works director as set forth in Section 16.32.120(C)(2).

2. Within any AO and AH zone on the FIRM, all new construction and substantial improvements of nonresidential structures:
 - a. have the lowest floor (including basement) elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the FIRM (which shall be at least two feet if no depth number is specified); or
 - b. together with attendant utility and sanitary facilities, be completely flood-proofed to that level to meet the flood-proofing standard specified in subsection (A)(1) of this section.
 3. Within zones AO and AH on the FIRM, adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- C. Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Exterior walls shall be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- D. Manufactured Homes.
1. Manufactured homes shall be anchored in accordance with Section 16.32.140(A)(2).
 2. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

16.32.160 Floodways.

Located within areas of special flood hazard established in Section 16.32.050 are areas designated as floodways. Because the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. The city prohibits encroachments (including fill), new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.

- B. With respect to new construction and substantial improvements, the requirements set forth in subsection A of this section are supplemental to all other applicable flood hazard reduction provisions set forth above in Sections 16.32.140 through 16.32.160, inclusive.